

DEC 15 2004

MORRISON & FOERSTER LLP

Attorneys at Law
 425 Market Street
 San Francisco, California 94105-2482
 Telephone: (415) 268-7000
 Facsimile: (415) 268-7522

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U.S. Patent and Trademark Office	(703) 872-9306

FROM: Michael R. Ward – Reg. No. 38,651**DATE:** December 15, 2004**NUMBER OF PAGES WITH COVER PAGE: 17**Preparer of this slip has confirmed that facsimile number given is correct: MRW1/8693**CAUTION - CONFIDENTIAL**

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Re: U.S. Patent Application Serial No. 10/646,070

For: CONTROL OF GENE EXPRESSION

By: Michael W. GRAHAM et al.

Art Unit: 1636

Examiner: D.M. Sullivan

Our reference: 54632-20003.03

Papers attached herewith:

1. Transmittal (1 page)
2. Fee Transmittal PTO-SB/17 (1 pg IN DUPL)
3. One Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)
4. Response to Restriction Requirement of 10/15/04 (12 pages)
5. This fax cover sheet (1 page)

JK

DEC 15 2004

PTO/SB/21 (08-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

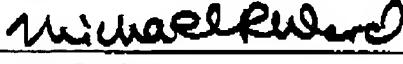
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/646,070
		Filing Date	August 22, 2003
		First Named Inventor	Michael W. GRAHAM
		Art Unit	1636
		Examiner Name	D. M. Sullivan
Total Number of Pages In This Submission	16	Attorney Docket Number	546322000303

ENCLOSURES (Check all that apply)

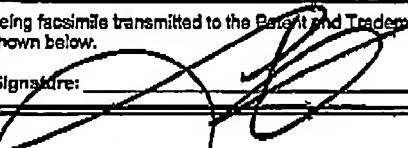
<input checked="" type="checkbox"/> Fee Transmittal Form 1 pg IN <input type="checkbox"/> DUPL <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): VIA FACSIMILE
<input checked="" type="checkbox"/> Amendment/Reply to Restriction Requirement of 10/15/04 - 12 pgs <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	
<input checked="" type="checkbox"/> Extension of Time Request - 1 pg <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s)		<input type="checkbox"/> Remarks
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		CUSTOMER NO. 20872	
Signature				
Printed name	Michael R. Ward			
Date	December 15, 2004		Reg. No.	38,651

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, MS: AMENDMENT, facsimile no. (703) 672-6305, on the date shown below.

Dated: December 15, 2004

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(LILJA OLSEN)

sf-1836291

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEET TRANSMITTAL

for FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

120.00

Complete if Known	
Application Number	10/646,070
Filing Date	August 22, 2003
First Named	Michael W. GRAHAM
Examiner Name	D. M. Sullivan
Art Unit	1636
Attorney Docket No.	546322000303

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order None Other (please identify): _____

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under 37 CFR 1.16 and 1.17

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	-0-
Design	200	100	100	50	130	65	-0-
Plant	200	100	300	150	160	80	-0-
Reissue	300	150	500	250	600	300	-0-
Provisional	200	100	0	0	0	0	-0-

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Small Entity Fee (\$)	Fee (\$)
50	25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

200	100
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Multiple dependent claims

360	180
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
59	-59 or HP	-0-	X -0-	= -0-	-0-	-0-

HP + highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
3	-3 or HP	-0-	X -0-

HP + highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-0-	-100 = -0-	/ 50 = -0-	(round up to a whole number) x -0-	= -0-

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: EXTENSION OF TIME

\$120.00

SUBMITTED BY MORRISON & FOERSTER LLP

CUSTOMER NO. 20872

Signature	<i>Michael R. Ward</i>	Registration No. (Attorney/Agent)	38,651	Telephone	415/268-6237
Name (Print/Type)	MICHAEL R. WARD			Date	December 15, 2004

sf-1836332

DUPLICATE COPY FOR FEE PROCESSING

PTO/SB/17 (12-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).FEE TRANSMITTAL
for FY 2005 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 120.00)

Complete if Known

Application Number	10/648,070
Filing Date	August 22, 2003
First Named	Michael W. GRAHAM
Examiner Name	D. M. Sullivan
Art Unit	1636
Attorney Docket No.	546322000303

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP
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	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	-0-
Design	200	100	100	50	130	55	-0-
Plant	200	100	300	150	160	80	-0-
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Provisional	200	100	0	0	0	0	-0-

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Fee (\$)

Fee (\$)

50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

200 100

Multiple dependent claims

360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
39	-39 or HP	-0-	X -0-	= -0-	-0-

HP + highest number of total claims paid for, if greater than 20

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

3 -3 or HP -0- X -0- = -0-

HP + highest number of independent claims paid for, if greater than 3

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Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
-0-	-100 = -0-	/ 50 = -0-	(round up to a whole number) x -0-	= -0-

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: EXTENSION OF TIME

\$120.00

SUBMITTED BY MORRISON & FOERSTER LLP

CUSTOMER NO. 20872

Signature

Registration No.
(Attorney/Agent)

38,651

Telephone 415/268-6237

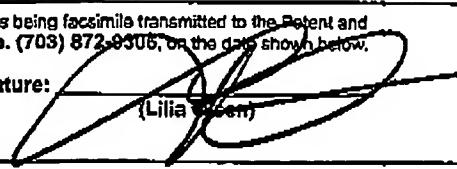
Name (Print/Type)

MICHAEL R. WARD

Date December 15, 2004

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Dated: 12/15/04 Signature: 

Docket No.: 546322000303
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Michael W. GRAHAM et al.

Application No.: 10/646,070

Group Art Unit: 1636

Filed: August 22, 2003

Examiner: D. M. Sullivan

For: CONTROL OF GENE EXPRESSION

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed October 15, 2004, (Paper No. 1004), for which a response was due on November 15, 2004. Applicants include a Petition for a one month extension of time with this response to extend the deadline to respond to this Office Action until December 15, 2004. As such, this response is timely filed.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 11 of this paper.

sf-1818175